

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

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NEXTGEAR CAPITAL, INC.,

Plaintiff,

v.

ANTONIO L. GUTIERREZ; PAUL  
GUTIERREZ,

Defendants.

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:  
: CIVIL ACTION  
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: CASE NO.: 3:18-cv-01617  
:  
: (Judge Mannion)  
:  
: ELECTRONICALLY FILED  
:  
: **DECLARATION OF NICHOLAS M.**  
: **GAUNCE, ESQ.**  
:

I, Nicholas M. Gaunce, Esq., of full age, hereby declare:

1. I am an attorney-at-law of the Commonwealth of Pennsylvania, along with being admitted to the bar of the above court. I am a member of the law firm of Eckert Seamans Cherin & Mellott, LLC, attorneys for the plaintiff, NextGear Capital, Inc. (“NextGear”). I have worked as co-counsel in regard to NextGear’s claims against Antonio Gutierrez, The Luxury Haus, Inc. (“LHI”), and now Paul Gutierrez since 2016. I make this declaration based upon personal knowledge and in support of NextGear’s current motion.

2. Attached as Exhibit “A” is a copy of a Praecipe for *Lis Pendens* that I caused to be recorded in the Monroe County Land Recorder’s Office.

3. Attached as Exhibit “B” is a copy of an October 22, 2014 letter that was authored by personnel of LHI that NextGear obtained in post-judgment discovery conducted against Defendant, Antonio Gutierrez.

4. Attached as Exhibit “C” is a copy of a check written on LHI’s bank account.

5. Attached as Exhibit “D” is a copy of the file provided by Defendants’ real estate lawyers in response to a subpoena.

6. Attached as Exhibit “E” is a copy of a retrospective appraisal completed by James Wilkins.

7. Attached as Exhibit “F” is a copy of an appraisal of present value completed by James Wilkins.

8. Attached as Exhibit “G” is a copy of NextGear’s Requests for Admissions served upon each defendant on June 12, 2019.

9. Attached as Exhibit “H” is a copy of a July 15, 2019 letter received by the undersigned.

10. Attached as Exhibit “I” is a copy of a letter received from a local realtor, James Galligan, agreeing to act as a receiver in this case.

Pursuant to 28 *U.S.C.* § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

By: /s/ Nicholas M. Gaunce  
Nicholas M. Gaunce

Dated: September 19, 2019